IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1215 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/07/2004 in WP NO : 10253 OF 2004 on the file of the High Court.)

Between:

1 Valmiki Youth Welfare Association, Rep. by B. Raju Singh, President, 8-3-696, Imamguda, Yellareddyguda, Hyderabad - 500 073.
2 Shalivahana Nagar Colony Welfare Association, Rep. by its President Ch. Siva Rao, 8-3-976/18, Shalivahanagar, Hyderabad - 500 073.
3 L.I.C Colony Welfare Association, Rep. by its Secretary D.V. Ramana Das, L.I.C. Colony, Hyderabad - 500 073.
4 Navodaya Colony Residents Welfare Association, Rep. by its Secretary Mr. L. Sanjay, Navodaya Colony, Srinagar Colony, Hyderabad - 500 073.

..... APPELLANTS

AND

1 Commissioner, Municipal Corporation of Hyderabad, M.C.H., Building, Hyderabad.
2 Government of Andhra Pradesh, Rep. by its Secretary, Municipal Administration & Urban Development, Secretariat, Hyderabad.
3 District Collector, Hyderabad Urban District, Nampally Station Road, Hyderabad.
4 Mandal Revenue Officer, Khairatabad Mandal, Prem Nagar, Khairatabad, Hyderabad.
5 Station House Officer, Panjagutta Police Station, Panjagutta, Hyderabad.
6 Pastor M. Subbuddi Rao, Zion Church, H.No. 8-3-674/F4, Sikhara Apartments, Jaiprakash Nagar, Yellareddigudda, Hyderabad.

.....RESPONDENTS

Counsel for the Appellants:MR.HARI SREEDHAR

Counsel for the Respondent No.1: SMT.G.JYOTHI KIRAN

Counsel for the Respondents 2 to 5: G.P. for Municipal Administration
Counsel for the Respondent No.6: G. Jayprakash Babu

The Court made the following Oral Judgment: (per Sri Devinder Gupta,CJ)

Appeal is against the order dated 29.7.2004 passed by the learned single judge allowing the vacate application filed by the 6th respondent and thereby rejecting the application for interim relief filed by the appellant. At that stage when vacate application of respondent No.6 was considered, counter affidavit of respondents were not on record and in the absence of counter affidavits as regards the true nature of the land in question, the impugned order came to be passed. When appeal was taken up, in order to ascertain the position as per the lay out, direction was issued to respondent No.1 to file its counter affidavit, which has since been filed and is on our record. It will not be appropriate for us to examine the validity and legality of the order dated 21.9.2001 of the 1st respondent in this appeal in the light of the stand taken by respondentNo.1 in the counter affidavit. It will be but proper that the matter is heard and decided by the learned single in the light of the stand taken by the respondent No.1 in its counter. Appellants have also filed affidavit in reply to the counter affidavits of respondents 1 and 6. Counter affidavits filed in writ appeal will be placed on the record of the learned single judge. While entertaining the appeal we have directed status-quo to be maintained.

We allow the appeal and set aside the impugned order with a request to the learned single judge to dispose of the matter afresh in the light of the material now placed on record and till the matter is heard and decided by him, status-quo shall continue to be maintained as regards the nature of the property in question by the parties. The parties shall appear before the learned single judge on 22.9.2004.

DEVINDER GUPTA,CJ

DATE: 15th September, 2004

C.V. RAMULU,J

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To

1 The Commissioner, Municipal Corporation of Hyderabad, M.C.H., Building, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, Municipal Administration & Urban Development, Secretariat, Hyderabad.
3 The District Collector, Hyderabad Urban District, Nampally Station Road, Hyderabad.
4 The Mandal Revenue Officer, Khairatabad Mandal, Prem Nagar, Khairatabad, Hyderabad.
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